

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA
3
4

5 W. A. DREW EDMONDSON, in his)
6 capacity as ATTORNEY GENERAL)
7 OF THE STATE OF OKLAHOMA and)
8 OKLAHOMA SECRETARY OF THE)
9 ENVIRONMENT C. MILES TOLBERT,)
10 in his capacity as the)
11 TRUSTEE FOR NATURAL RESOURCES)
12 FOR THE STATE OF OKLAHOMA,)

13 Plaintiff,)

14 vs.) 4:05-CV-00329-TCK-SAJ

15 TYSON FOODS, INC., et al,)

16 Defendants.)

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18 VOLUME II OF VIDEOTAPED
19 DEPOSITION OF EUGENE WELCH, PhD, produced as a
20 witness on behalf of the Defendants in the above
21 styled and numbered cause, taken on the 15th day of
22 August, 2008, in the City of Tulsa, County of Tulsa,
23 State of Oklahoma, before me, Lisa A. Steinmeyer, a
24 Certified Shorthand Reporter, duly certified under
25 and by virtue of the laws of the State of Oklahoma.

1 same one, but I don't remember seeing that same
2 number.

3 Q Okay. So that -- you agree that the statement
4 or conclusion comes from Engel's report?

5 A The 59 percent does, yes, yeah. I mean -- 02:03PM

6 Q Do you know whether or not it's true or not?

7 A Whether it's true? It's -- I'm -- I'm
8 favorably convinced with Engel's report and his
9 ability to predict phosphorus loads in the watershed
10 and the degree he's researched this area and used 02:04PM
11 methods to, you know, estimate sources. It looked
12 good to me. I mean I --

13 Q Okay, and this is really Engel's model that
14 does this; right?

15 A This is Engel's model. 02:04PM

16 Q Okay. You have high confidence in Engel's
17 model?

18 A Yeah. Well, like I told Mr. Bassett, if you
19 look at that figure where he's predicting --
20 comparing predicted load with observed load, he's 02:04PM
21 got a very good agreement.

22 Q Okay. Do you understand how his model works?

23 A I have not looked into his model, no.

24 Q Okay. So are you taking him at his word that
25 his model works? 02:05PM

1 **A** I'm taking him at his word, and looking, you
2 know, at the sources of literature that he's
3 presented and listening to him discuss results and
4 some of the observations I've used, like the
5 individual watershed runoff values versus numbers of 02:05PM
6 chicken houses and whatever, yeah. I mean I haven't
7 thoroughly looked -- I've read through much of it,
8 but what I see, I like.

9 **Q** Are you relying on Engel's model to calculate
10 the phosphorus input to Lake Tenkiller? 02:05PM

11 **A** I'm -- I got that from USGS measured values.

12 **Q** So are you relying on Engel's model at all for
13 your opinions?

14 **A** Yeah.

15 **Q** Tell me how. 02:05PM

16 **A** Tell you how.

17 MR. PAGE: Object to the form.

18 **A** Object to the form? Well, I already went
19 through that when Mr. Bassett asked me about
20 sediment loading based on sediment depositions, and 02:06PM
21 I compared my results with his estimate of inflow
22 concentration in the first ten years after the dam
23 construction, and I relied on this 59 percent.
24 That's what I relied on.

25 **Q** Okay. Do you know how many of the 354,000 02:06PM